

## HUMAN SERVICES BOARD

# INTRODUCTION

## FINDINGS OF FACT

3. In August 2002 the petitioner applied for and was granted EA to pay back rent that she owed at that time. At

the time, the petitioner was living only with her two children. The petitioner's husband joined the household sometime between August and November 2002 when he and the petitioner were married.

4. On November 7, 2002 the petitioner applied for EA to pay what she then owed on her security deposit for her apartment--\$795. The Department denied the application because the petitioner had received EA three months before.

5. The petitioner maintains that she did not realize when she applied for EA in August 2002 that she would have to wait a year before she could become eligible again.

6. Other than their original oral agreement, the petitioner does not allege that her landlord has formally notified her of any intent to evict her if her deposit is not paid in full by March 1.

ORDER

The Department's decision is affirmed.

REASONS

Section 2800 of the EA regulations includes the following provisions:

. . .

Emergency Assistance is provided on behalf of a needy child under the age of 21 and any other member of the

household in which he/she is living and of whom the child is considered a "dependent" as defined in 2801.

. . .

Emergency Assistance may be authorized during one period of 30 consecutive days in any 12-consecutive-month period. The 12-consecutive-month period begins the day of the initial pre-authorization.

. . .

In addition, the regulations require that in order to receive EA for housing the applicant must be faced with a "notice of rental termination". W.A.M. § 2813.3.

In this case, the petitioner received EA on behalf of her children in August 2002. The fact that her husband joined the household after that time does not alter the 12-month limitation for EA paid on behalf of those children. Also, the petitioner is not facing an imminent eviction at this time. Therefore, the Department's decision must be affirmed.<sup>1</sup> 3  
V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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<sup>1</sup> If and when she is facing an eviction, the petitioner is free to apply for regular General Assistance (GA), which does not have a once-a-year limitation (but which is more restrictive in the types of payments covered).